

### REMARKS

This Application has been carefully reviewed in light of the Office Action mailed on May 4, 2006 ("Office Action") and the Interview Summary mailed June 6, 2006. Claims 1-28 are pending in the application and stand rejected. Applicants have amended certain claims and added new dependent Claims 29 and 30, which depend from Claims 12 and 24, respectively.

#### Examiner Interview

Applicants note with appreciation the courtesy of the telephone interview with Thomas H. Reger II and the Examiner and his supervisor on May 25, 2006. While no agreement was reached and Applicants maintain their traversals, Applicants have amended the claims as suggested by the Examiner and his supervisor and to further prosecution.

#### The Claims are allowable over *Feeney* even in view of the other cited art

The Office Action rejects the claims under 35 U.S.C. §103(a):

- Claims 1-5, 8-16, and 18 as being unpatentable over U.S. Patent Application Publication No. 2002/0032582 to Feeney, Jr. et al. ("*Feeny*") in view of U.S. Patent No. 6,549,956 to Bass et al. ("*Bass*").
- Claims 14-16 and 18 as being unpatentable over *Feeney* in view of U.S. Patent Application Publication No. 2003/0093321 to Bodmer et al. ("*Bodmer*") and further in view of Patent Application Publication No 2003/0093307 to Renz et al. ("*Renz*").
- Claims 6 and 17 as being unpatentable over *Feeney* in view of *Bass*, as applied to Claims 1 and 13, and in further view of U.S. Patent Application Publication No. 2002/0052760 to Munoz et al. ("*Munoz*").
- Claim 7 as being unpatentable over *Feeney* in view of *Bass* and further in view of PDXinc.com.
- Claim 21 as being unpatentable over *Bodmer* and *Renz* and in further view of U.S. Patent No. 6,049,787 to Takahashi et al. ("*Takahashi*").
- Claim 24 as being unpatentable over *Feeney* in view of U.S. Patent Application Publication No. 2002/0038258 to Bergman ("*Bergman*").

While Applicants respectfully maintain the earlier traversal,<sup>1</sup> Applicants have amended the independent claims as suggested by the Examiner and in order to further prosecution. Applicants

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<sup>1</sup> Applicants expressly reserve the right to pursue these claims as filed at a later time.

submit that *Feeney* – even in view of the other cited art – fails to teach various aspects of the present claims as amended.

Specifically, *Feeney* fails to teach, suggest, or disclose a central fill inventory that is either remote or associated with a third party. For example, amended Claim 1 recites that the first pharmacy prescription processing subsystem “creating a queue of prescription requests from the received plurality of prescription requests, each prescription request in the queue eligible to be filled by a central fill inventory remote from the first pharmacy prescription processing subsystem.” In another example, Claim 11 recites a pharmacy prescription processing method includes “creating a queue of prescription requests from the received plurality of prescription requests, each prescription request in the queue eligible to be filled by a remote third party central fill inventory.” In contrast, *Feeney* repeatedly discloses that the asserted dispenser is located at the medical office. *See e.g., Feeney* at ¶¶ 168, 175, 176, 177, 178, 181, 182, 183, 184, 185, and 197. Indeed, *Feeney* indicates that it is the doctor or another authorized medical office user that dispenses the prescription medications.

Nor do the portions cited by the Examiner during the interview account for these deficiencies. For example, ¶219 of *Feeney* indicates that the prescription is routed to a pharmacy when the dispenser at the medical office is out of the particular medicine or when the patient prefers to not receive medicine at the medical office. Put simply, this discussion fails to refer to a “central fill inventory” as recited in the present claims and instead relies solely on local pharmacy inventories of the sort described, for example, in ¶7 of the present Application.<sup>2</sup> Similarly, ¶271 of *Feeney* fails to teach various aspects of the present claims. At the outset, it should be noted that this paragraph is part of the Over-the-Counter (OTC) Medications and Cosmeceutical discussion. *See Feeney* at ¶269. In other words, ¶271 explicitly involves drugs that are over the counter – or drugs that are not based on prescriptions – in direct contrast to the present claims. Second, this section indicates that the OTC subsystem assists “the physician office staff” to perform tasks such as “dispensing OTC medications from a number of office locations.” *Feeney*, ¶¶ 270, 271. In short, ¶271 involves non-prescription medications that are

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<sup>2</sup> Indeed, Claim 19 of the present Application recites both “a local inventory” and “a central fill inventory.”

dispensed at various points at the medical office by office staff, which fails to teach or suggest a central fill inventory that is remote from the (potentially unaffiliated) prescription provider.

Regardless, there is no indication that the patient, pharmacy, or any other potential provider in *Feeney* dispenses drugs “via one or more shipments,” as recited in the amended claims, where the dispensed drugs are based on prescriptions. For example, *Feeney* discusses its view of “[c]urrent prescription filling methods” in ¶6, which merely discloses a patient receiving his drugs and counseling from a local pharmacy inventory. While it characterizes such methods as inadequate and inefficient, *Feeney*’s solution is to control this dispensing method using dispensers (typically – if not always – at medical offices) “configured to controllably release a product in response to a control signal.” *Feeney*, ¶25; *see id.*, ¶¶ 30, 33, 35, 38, 40, 41, 42, and 46. In fact, *Feeney*’s “system overview” describes the present system as one “dispensing medication and information at the point-of-service while incorporating data management into the dispensing process.” *Id.*, ¶¶ 168, 167. Accordingly, *Feeney*’s controlled dispensing methods fail to teach, suggest, or disclose “dispensing a plurality of drugs from the central fill inventory via one or more shipments, the dispensed plurality of drugs associated with the plurality of filled prescription requests” as recited, for example, in Claim 1.

For at least these reasons, Applicant submits that *Feeney* fails to teach, suggest, or disclose – indeed seems to teach against – certain aspects of the present claims. The other art cited in the rejections, such as *Bass*, fail to account for the deficiencies of *Feeney*. Accordingly, Applicant requests reconsideration and allowance of Claims 1-30.

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Page : 17 of 17

Attorney's Docket No.: 17806-002001

### CONCLUSION

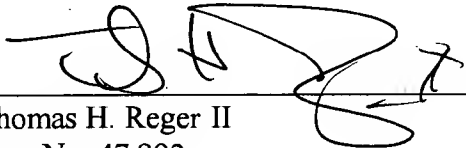
Applicants have made an earnest attempt to place this case in condition for allowance. For the foregoing reasons, and for other reasons clearly apparent, Applicants respectfully request full allowance of all Claims.

If the present application is not allowed and/or if one or more of the rejections is maintained, **Applicants hereby request a telephone conference with the Examiner** and further request that the Examiner contact the undersigned attorney to schedule the telephone conference.

A check in the amount of \$445 is enclosed for the RCE and additional claims. Applicant believes no other fees to be due, however, the Commissioner is hereby authorized to charge any fees or credit any overpayments to deposit account 06-1050.

Respectfully submitted,

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